

Subject: Re: Mii's Bridal
Date: Thursday, December 6, 2018 at 5:49:59 PM Central Standard Time
From: Jason Freeman
To: Smith, Curtis C. (TAX), Yepuri, Moha P. (TAX)
CC: Lindsey Boudreaux
Attachments: image001.png, image002.png

Curtis,

In case there is any question with respect to my email below, I want to be absolutely clear that I intended no allegation against either you or Moha. I have the utmost respect for both of you—I truly do. I do not think that either of you would withhold any document or advise or assist a witness in falsely testifying. My concerns are lodged at the IRS or US government, and whether it maintained or produced all of the relevant documents to you—not whether you produced to me everything that was given to you. If key documents are missing from the IRS's files, you should understand that I would be very upset about that. And with respect to Crystal's testimony, I in no way make any allegation that Moha did anything wrong. Just so you know, I have actually represented a client that was not truthful in a government investigation. It placed me in a very difficult position, but I ultimately had an ethical obligation to correct it. I did not do it at the moment that the mis-truth was made, but did so later—frankly because I needed time to figure out how to satisfy all of my competing ethical obligations. I say this because I understand first-hand the potential ethical quandaries that type of situation can present. It sounds like, from your understanding, that you are not aware of Ms. Ferguson lying. All I am saying is that if she did, and she did not correct it during her subsequent testimony, then—if you know of it—I think you have an obligation to somehow address it. I think you would rightfully ask the same of me, and I think we all owe that to the system that we are a part of, whether it helps or hurts our respective clients. I have to raise the issue, and I have to ask the question—but I do not aim any criticism or allegation whatsoever at either of you.

Understand that you are my point of contact, and I have no one else on your end to voice these concerns to—but please do not confuse my serious concerns with anger at you.

I think you are both two of the best attorneys/people I have come across. I have a job to do, and it will mean that I am tough on the government and ask difficult questions. Those will never be aimed at you, only your client.

I hope this helps to clarify the scope of my concerns.

Jason

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From: Jason Freeman <Jason@freemanlaw-llc.com>
Date: Thursday, December 6, 2018 at 4:28 PM
To: "Smith, Curtis C. (TAX)" <Curtis.C.Smith@usdoj.gov>
Cc: Lindsey Boudreaux <lboudreaux@freemanlaw-llc.com>
Subject: Mii's Bridal

Curtis,

I've got some concerns about the government's discovery productions. We just received new documents (about 1,100 documents) yesterday that contain a substantial amount of information that would have been needed to conduct a full deposition of Patty Hall and Crystal Ferguson. Were these the documents that the government had previously lost—or are there still missing/deleted emails and documents? We have not completed our initial review yet, but I see quite clearly that this seizure went up to National and that they pulled the plug on the entire perishable goods seizure on March 2, 2015, yet it subsequently went forward. I don't believe that's consistent with Crystal Ferguson's testimony, but it is also something I would have wanted to explore in more depth with her and that we were never notified of. There are also references to missing ICS Histories and filling in ICS Histories after the fact, which appears to confirm the issue I raised about my suspicions of missing or manufactured ICS History entries.

We also learned in Crystal's deposition that she had been using her personal, non-government issued phone to text about the case and that she sent information related to a then-non-public case (Mii's) to others in the IRS that were not authorized to receive such information about a taxpayer (i.e., protected information). Does your office intend to investigate these improprieties? I believe that we have a right to know this. I understand that DOJ will likely be reluctant to take any steps to initiate a criminal investigation if it would harm an important government witness, but these appear to be pretty serious violations.

This is also particularly concerning because Crystal testified that she had not taken any steps to safeguard her text messages, and that she had not ever been asked to produce them. As you know, I have specifically requested all text messages in our discovery requests. Please update me on this and on what steps are being taken—and have been taken—to secure such text messages from all relevant persons. I am very concerned about this – the combination of this information going missing and the internal IRS emails that were previously considered missing leads me to seriously question whether all of the relevant documents have been produced.

Finally, I have one other very serious concern. During Ms. Ferguson's deposition, she stepped out of the room with her DOJ attorney. They were in the same room as my assistant and did not leave that room, and Ms. Ferguson intimated to her attorney that she had not told the truth in her deposition. If the government

is aware of any false testimony whatsoever—or testimony that was not fully forthcoming, as is required under the oath that she took—I believe that it has an obligation to inform me and to take steps to correct that. Would you please advise on this?

Thanks,

Jason



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Thank you.